

Alois Vetter,

Plaintiff,

vs.

Derek Cruff, Reid Brady, Birch Burdick,
and Cass County, a political subdivision
of the State of North Dakota, and West
Fargo Police department,

Defendants.

Case No. 3:14-cv-121

The Court has carefully reviewed the Report and Recommendation, relevant case law, and the entire record, and finds the Report and Recommendation to be persuasive. The claims against Defendants Derek Cruff, Reid Brady, Birch Burdick, and Cass County must be considered official capacity claims and such claims fail as a matter of law as the complaint fails to allege any county or city policy or custom caused the alleged deprivation. While it is unclear if the Plaintiff sought to bring a claim against the West Fargo Police Department, any such claim would also fail as a

police department is not amenable to suit under 42 U.S.C. § 1983. Dismissal is warranted. Accordingly, the Court **ADOPTS** the Report and Recommendation (Docket No. 36) in its entirety. The Defendants' motion for summary judgment is **GRANTED** and the action is **DISMISSED** without prejudice.

IT IS SO ORDERED.

Dated this 25th day of August, 2015.

/s/ Daniel L. Hovland
Daniel L. Hovland, District Judge
United States District Court